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6 IN THE UNITED STATES DISTRICT COURT FOR THE
7 EASTERN DISTRICT OF CALIFORNIA

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9 CLARENCE RAY, JR.,) Case No. CIV. F-96-6252-AWI
10 Petitioner,)
11 vs.) DEATH PENALTY CASE
12 Steven W. Ornoski, as Acting)
Warden of San Quentin State)
13 Prison,) ORDER APPOINTING COUNSEL
14 Respondent.)
15 _____)

16 Petitioner Clarence Ray, Jr. ("Ray") applied for appointment of
17 federal counsel on December 28, 2005. Respondent Steven W. Ornoski,
18 as Acting Warden of San Quentin State Prison, (the "Warden") did not
19 oppose the application. On December 30, 2005, the Court entered an
20 order referring the case to the Selection Board for the Eastern
21 District of California. On February 22, 2006, the Court conducted a
22 Preliminary Case Management Conference to hear from both parties
23 regarding the status of pending state exhaustion proceedings, from the
24 Selection Board about the status of its recommendation of suitable
25 counsel, and from the Warden regarding any issues about proceeding in
26 federal court during the pendency of state exhaustion proceedings.
27 Counsel representing the Selection Board informed the Court that the
28 Federal Defender was considering whether it would accept Ray's case.

1 The Selection Board was directed to provide an informal status report
2 on its progress in locating qualified counsel.

3 On March 13, 2006, the Selection Board transmitted a letter to
4 the Court advising that the Federal Defender's Office is available to
5 represent Ray in these federal proceedings. The letter further
6 informs the Court that two assistant federal defenders from the office
7 will be assigned to Ray's case and that appointment of outside counsel
8 is not anticipated.

9 The Court hereby appoints the Capital Habeas Unit of the Federal
10 Defender's Office to represent Ray in these federal proceedings. When
11 the identities of the assistant federal defenders who will be assigned
12 to this case are known, that information shall be provided to the
13 Court. The prior order that Ray's counsel (now the Capital Habeas
14 Unit of the Federal Defender's Office) file quarterly status reports
15 regarding state exhaustion proceedings at the beginning of the first,
16 fourth, seventh, and tenth months of each calendar year, is still in
17 effect.

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19 IT IS SO ORDERED.

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21 DATED: March 14, 2006

/s/ Anthony W. Ishii

Anthony W. Ishii

United States District Judge

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